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EXAMINER

IWARERE, OLUSEYE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/801,198

Applicant(s)

GOTTUMUKKALA ET AL.

Examiner

OLUSEYE IWARERE

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4, 6, 7, 10-17 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) 5, 8, 9, 13, 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10-17 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is a First Office Action Non-Final rejection on the merits. Claims 5, 8-9, 13, 15-16 and 18-20 have been cancelled. Claims 26 – 29 have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 2, 4, 6, 7, 10 – 17 and 21 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Crawshaw et al (2001/0042032).**

As per claim 1, Crawshaw discloses a system for capturing cost information over a network ([0068]; enables a user to create proposals and cost estimates, including budget for flat fees, hourly fees, expenses and other costs, and to transmit proposals electronically and instantly track the status of each proposal via the web site) and for processing the information into a project accounting system ([0006]; the present invention is directed to a system for capturing, processing, tracking and reporting time and expense data), the system comprising:

a project accounting system ([Abstract]; a system that accepts and stores raw time and expense data for a plurality of businesses) adapted to store time and expense

data associated with a project ([Abstract]); the inventive system automatically converts the raw time and expense data by considering any client or project-specific billing requirements and by applying such specific requirements to the raw time and/or expense data in generating an invoice);

a user interface provided as a form accessible over a network by a user via a browser, the form comprising fields for data entry by the user ([0050] An interface object 136 may encapsulate the functionality of forms, lists, navigation tabs, fonts, colors, etc., so as to provide a consistent graphical user interface at the user's computer 80) ([0009] Users access the server and the functionality of the present invention via the Internet using a commercially available Internet browser software program) and a button for electronic submission of the form ([0076] Once a user has selected one of the available functionality (e.g., by clicking-on the desired option with a mouse or other cursor-control device), the web server 50 and application server 30 process the user's selection, invoke the necessary application programs of the special purpose software 60. The act of clicking-on the desired option is construed as including a button), and embedded calls in the form (0042] discusses embedded calls in a form); and

a services application program interface (API) adapted to invoke transactions with the project accounting system for processing data contained within the submitted form, wherein the embedded calls in the form comprise calls to the services API that are automatically invoked by the form when the form is submitted by the user, and wherein the calls to the services API invoked by the form instantiate business rules for processing data contained in the submitted form into the project accounting system

([0017] The server also includes an application programmer interface (API) that specifies the protocol, format, etc., for time, expense and invoicing data packets imported into the server from another software application).

As per claim 2, Crawshaw further discloses, comprising:

a server adapted to host the forms and to serve the forms to users ([0008]The system generally comprises a server computer that is connected to the Internet and that has a processor operable with general and special purpose software, which is construed as including forms, stored on a data storage device of the server) according to business rules written in managed code ([0050] Business objects 170, which encapsulate any predefined business rules (that may be globally specified or specified per account) and relationships between and among clients, projects, etc., may also be included in an interface object 136).

As per claim 4, Crawshaw discloses, wherein the form is a web-based form that contains embedded calls to the services API ([0017]; In the API, a unique set of XML commands and data structures is defined to facilitate the transfer of information. The API enables seamless and real -time exchange of time, expense and invoicing data between the data server (database) and other web-based or platform specific software applications. The software applications are construed as including forms).

As per claim 6, Crawshaw discloses, wherein the services API is called using .NET Web services ([0013] The general purpose software on the server provides the functionality that enables general operation of the server such as, for example,

connection to and communication with the Internet, data storage and retrieval from the data storage device, general operational and administrative functions, etc. The special purpose software provides the functionality that enables the server (i.e., the web server, application server, and data server) to communicate and interact in accordance with the present invention. For example, the special purpose software may comprise a plurality of web-native application programs for creating and administering accounts, permitting users to enter time and expense data, and storing and retrieving any such data, and for generating invoices by converting entered time and expense data, and for automatically or manually sending an invoice to a client, creating proposals and projects, and other functionality. The special purpose software is construed as using .NET Web services).

As per claim 7, Crawshaw discloses, wherein the services API is called using remoting ([0017] Users may access the API via the web server and application server, and data communicated to the server from another web-based or platform specific application program is via a socket connection between a remote computer and the web server).

As per claim 10, Crawshaw discloses, a method of capturing time and expense data into an accounting database via forms (abstract; The inventive system automatically converts the raw time and expense data by considering any client or project-specific billing requirements and by applying such specific requirements to the raw time and/or expense data in generating an invoice), the method comprising:

hosting a plurality of forms on a server, each form being accessible to a user over a network via a browser ([0009] The browser also renders HTML/Javascript web pages, forms, etc. on the user's computer received from the application server via the web server) and each form comprising:

data fields for user data entry ([0055] data entry links 420 (also 220, 320, 520, and 720), which permits a properly authorized user to enter new data);

an object for submitting the form when completed by the user ([0082] The off-line version of time sheets functionality enables a user time data in a manner similar to that provided via the web site, but that functionality is limited to data entry. Data entered using the off-line time sheets functionality can only be submitted for approval, and approved via the web site); and

embedded server controls for invoke business rules upon submission by the user, the business rules being written in managed code ([0039]; Once the user's computer 80 is connected to the web server 50 in that manner, the application server 30 passes hypertext mark-up language (HTML) and/or Javascript code to the user's browser through the web server 50 to facilitate the display of desired web pages at the user's computer 80. As the user navigates the web site, which is construed as navigating using server controls, different web pages may be displayed on the user's computer 80. The Javascript code is construed as the managed code); and

providing a requested form of the plurality of forms to the user over the network for display within a window of the browser (figs. 1 and 7 depict providing a requested form over the network for display within a window);

receiving user data in the data fields of the requested form, invoking the object associated with the requested form to submit the requested form upon completion of the requested form, and in response, utilizing the server controls embedded in the submitted form to invoke the business rules ([0015]; provide a system for capturing, processing, tracking and reporting internal time and expense data, and for invoicing clients using external time and expense data that is derived from the internal time and expense data. As used herein, the term "internal", when used to refer to time and expense data, refers to raw data entered by a user that reflects the actual time spent and expenses incurred in providing a particular service or in completing a particular project, without consideration of any write-offs, discounts, or other accommodations sometimes provided to clients. As used herein, the term "external", when used to refer to time and expense data, refers to time and expense data derived from internal time and expense data; "derived from" generally referring herein to manipulation, modification, etc., of the internal data by the server and special purpose software to produce external data).; and

processing the user data contained in the submitted form ([0046] The web-native special purpose software, together with the server and a server processor (i.e., web server/processor, application server/processor and data server/processor) that is operable with the general and special purpose software, provide a system for capturing, processing, tracking and reporting internal time and expense data, and for reporting time and expense date (e.g., by invoicing clients) using external time and expense data

that is derived from the internal time and expense data.) with a services API according to the invoked business rules ([0050] An interface object 136 may encapsulate the functionality of forms, lists, navigation tabs, fonts, colors, etc., so as to provide a consistent graphical user interface at the user's computer 80. Business objects 170, which encapsulate any predefined business rules (that may be globally specified or specified per account) and relationships between and among clients, projects, etc., may also be included in an interface object 136) wherein processing comprises;

interacting with the accounting database according to the user data contained in the submitted form and the invoked business rules, wherein the services API associates the user data contained in the submitted form to entities in the accounting database ([0017]The API enables seamless and real -time exchange of time, expense and invoicing data which is construed as data submitted in the forms, between the data server (database) which is construed as the accounting database and other web-based or platform specific software applications); and

querying the accounting database according to the user data based on the invoked business rules to return a value for display in a form within a window of the browser ([0011] The application server receives data from the user's computer and the data server, and may validate or perform other internal operations on that data. The step of validating or performing other internal operations is construed as including querying and fig. 7A depicts displaying in a window).

As per claim 11, Crawshaw discloses, wherein the managed code is written to a common language runtime environment ([0035]; Once the user's computer 80 is connected to the web server 50 in that manner, the application server 30 passes hypertext mark-up language (HTML) and/or Javascript code to the user's browser through the web server 50. Java is understood as including a common language runtime environment).

As per claim 12, Crawshaw discloses, wherein the step of hosting comprises:

storing a plurality of web forms on a web server wherein at least one of the plurality of web forms is a timesheet form (abstract; The inventive system maintains the internal (raw) data, the external (invoiced) data, and other parameters associated with those data in a plurality of relational databases, and coordinates that data between and among a plurality of functionality including time bills, expense reports, time sheets, proposals, and project tracking functionality); and

providing at least one of the plurality of forms to the user over the network for display within a window of the Internet browser ([0066] In response to that action by the second user, an Internet browser window is opened on the second user's computer, a connection to the web site established, and the second user logs on to his/her account on the web site and is automatically shown the time sheets submitted by the first user).

As per claim 14, Crawshaw discloses, wherein the step of interacting comprises: storing data in the accounting database ([0010] stores and indexes both internal and external time and expense data, and account data in one or more relational databases provided on one or a plurality of rapid access data storage units).

As per claim 17, Crawshaw discloses, a system for capturing time and expense information over a network and for processing the information into an accounting system ([abstract]; a system that accepts and stores raw time and expense data for a plurality of businesses--each business defining a separate account that is accessible and usable by authorized users for the particular business) ([0002] The present invention is directed to a system for capturing, processing, tracking and reporting time and expense data), the system comprising:

an accounting system adapted to store time and expense information ([Abstract]; A system that accepts and stores raw time and expense data for a plurality of businesses) ([Abstract]; The inventive system automatically converts the raw time and expense data by considering any client or project-specific billing requirements and by applying such specific requirements to the raw time and/or expense data in generating an invoice);

a plurality of web part forms adapted for user input over a network via a browser ([0012]; Once a user has connected to the web site and logged on, a web page is displayed on the user's computer by the browser. At the web page, the user may

make various selections depending upon the particular functionality desired (e.g., enter time, expenses, administer account, generate invoice, etc.). Each selection (i.e., each mouse click) is processed by the web server and passed on to the application server which invokes or executes one or more software programs that, individually or collectively provide the functionality required by the user's selection); and

a services application program interface (API) for implementing and sequencing business rules written in managed code to process the user input into the accounting system, wherein each of the web part forms contain embedded calls to the services API that are invoked upon submission of the web part form to invoke transactions with the accounting system to process the user input into the accounting system, and wherein the transactions with the accounting system invoked by the embedded calls contained in the web part forms comprise initiating an approval process for the submitted web part form and associating the user data contained in the submitted form with entities in the accounting system ([0050] An interface object 136 may encapsulate the functionality of forms, lists, navigation tabs, fonts, colors, etc., so as to provide a consistent graphical user interface at the user's computer 80. Business objects 170, which encapsulate any predefined business rules (that may be globally specified or specified per account) and relationships between and among clients, projects, etc., may also be included in an interface object 136) ([0039]; the application server 30 passes hypertext mark-up language (HTML) and/or Javascript code to the user's browser through the web server 50 to facilitate the display of desired web pages at the user's computer 80); and

a server adapted to host the plurality of web part forms containing embedded calls to the services API and to serve the web part forms containing embedded calls to the services API to users on request (fig. 2 depicts a server).

As per claim 21, Crawshaw discloses wherein the form is a web part form that includes embedded server controls ([0042] discloses embedded server controls).

As per claim 22, Crawshaw discloses, wherein the business rules invoked by the embedded calls define a workflow process including at least an approval process for approving the data contained within the submitted form ([0047]; discusses approving data contained in the submitted form).

As per claim 23, Crawshaw discloses wherein the web part forms contain embedded server controls for calling the services API ([0042] discloses embedded server controls).

As per claim 24, Crawshaw discloses wherein the calls contained in the web part forms comprise embedded calls to the services API using remoting ([0042] discloses embedded calls).

As per claim 25, Crawshaw discloses wherein the calls contained in the web part forms comprise embedded calls to the services API using Web services ([0042] discloses embedded calls).

As per claim 26, wherein at least one of the plurality of web part forms represents a timesheet form, and wherein the embedded calls contained in the timesheet form are invoked by the timesheet form upon submission of the timesheet form by the user to provide the timesheet form to the approval process ([0042] discusses embedded calls in a form and the [0043] discusses approval of the form).

As per claim 27, wherein the transactions invoked by the embedded calls contained in the timesheet form implement the business rules to provide the timesheet form to an administrator for authorization of the user data contained in the timesheet form and at least one of deletion of the timesheet form, modification of the timesheet form, and return of the timesheet form to the user ([0054] discusses authorization by an administrator).

As per claim 28, wherein the embedded calls to the services API invoked by the form define transactions with the project accounting system including querying the project accounting system based on the instantiated business rules to return a value for display in the user interface ([0011] discusses conversion of data based on business rules which is understood as instantiated).

As per claim 29, wherein the form comprises a timesheet form and the embedded calls in the timesheet form instantiate an approval process for approving the timesheet form and storing data from the timesheet form to the project accounting system ([0064] discusses an automatic submission for approval).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Crawshaw (2001/0042032) in view of Lesk (7249073).**

As per claim 3, Crawshaw discloses the claimed invention, however fails to explicitly disclose, wherein the server is an active server page server and wherein the forms are active server page forms.

Lesk teaches methods and apparatus for a personal financial service provider with the feature of wherein the server is an active server page server and wherein the forms are active server page forms (col. 5, lines 45 – 49; Those skilled in the art, however, will realize that the web page itself may include various other client-side and/or server-side elements such as Java applets, Javascript, Active Server Pages (ASP), multimedia components, and the like).

From this teaching of Lesk, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Crawshaw to include the active server pages of Lesk in order to facilitate the processing of information.

Response to Arguments

8. Applicant's arguments filed April 24, 2008 have been fully considered but they are not persuasive.

As per system claim 1, Applicant argues "Crawshaw does not teach or suggest embedded calls in a form that are automatically invoked by the form when the form is submitted by the user. Moreover, Crawshaw also does not teach or suggest that

embedded calls in a submitted form instantiate business rules for processing data contained in the submitted form.."

As per system claim 17, Applicant argues "Crawshaw does not teach or suggest embedded calls in a form or initiating an approval process by invoking embedded calls as claimed." However paragraph [0042] discusses embedded calls to an API."

Furthermore, The Applicant argues there is no supporting authority for the statement, "language that does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."

The Examiner notes, MPEP 2106 [R-5] explicitly states:

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

As previously noted, a claim containing a recitation with respect to the manner in which a claimed system is intended to be employed does not differentiate the claimed system from a prior art system if the prior art system teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647. With respect to the instant application and set forth above, Tam was shown to teach all the structural limitations of the rejected claims.

Furthermore, the configuration of the individual structural components of the claimed invention set forth the employment of the individual structural components, whereby the configurations are directed towards the use of the individual structural components.

As per claim 10, Applicant argues, "Crawshaw does not teach or suggest a form that includes embedded controls for invoking business rules upon submission by the user or processing at a submitted form with a services API according to business rules that are invoked using embedded controls in the form. Moreover, Applicant respectfully notes that Crawshaw also does not teach or suggest invoking business rules using embedded controls in a form to query an accounting database to return a value" However, paragraph [0042] discusses embedded calls in a form. Further, Paragraph [0011] The application server receives data from the user's computer and the data server, and may validate or perform other internal operations on that data. The step of validating or performing other internal operations is construed as including querying.

As per claims 24 and 25, Applicant argues "As similarly discussed above, Crawshaw discloses providing form functionality on a user's computer and submitting data from the user's computer to an application server, but does not teach or suggest embedded calls contained in a web part form." However, paragraph [0042] discusses these features, therefore the Examiner respectfully disagrees.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
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OI